

SENATE/HOUSE FILE _____
BY (PROPOSED STATE PUBLIC
DEFENDER BILL)

A BILL FOR

1 An Act relating to the confidentiality of information filed
2 with the court to secure an arrest warrant.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 804.29, subsection 2, Code 2020, is
2 amended to read as follows:

3 2. However, during the period of confidentiality
4 in subsection 1, the information in the record may be
5 disseminated, without court order, during the course of
6 official duties to the following persons unless access to such
7 information is expressly denied by court order:

8 a. A peace officer, or any other employee of a law
9 enforcement agency if allowed access pursuant to section 692.14
10 and if authorized in writing by the head of the agency.

11 b. An employee of the county attorney's office.

12 c. A judicial officer or other court employees.

13 d. An employee of the department of corrections or judicial
14 district department of correctional services, if authorized by
15 the director of the department of corrections.

16 e. A court-appointed attorney in a specific case where an
17 arrest warrant has been issued but not served, provided the
18 defendant is in custody.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill relates to the confidentiality of information
23 filed with the court used to secure an arrest warrant. Current
24 law specifies that information filed with the court used to
25 secure an arrest warrant shall be confidential until a peace
26 officer has made the arrest and has made the officer's return
27 on the warrant, or the defendant has made an initial appearance
28 in court, unless otherwise ordered by the court. During the
29 period of confidentiality, the information in the record may be
30 disseminated, without court order, to certain listed persons
31 during the course of their official duties. The bill provides
32 that, during the confidentiality period, access to such
33 information can be expressly restricted by court order. The
34 bill includes an attorney appointed by the court to represent
35 the defendant in a specific case where an arrest warrant has

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1 been issued but not served, if the defendant is in custody, to
2 the list of persons to whom information filed with the court
3 for the purpose of securing a warrant for an arrest may be
4 disseminated during the confidentiality period.